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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210850
Party	Plaintiff Design Trademark Holdings, LLC
Correspondence Address	LESLIE J LOTT LOTT & FISCHER PL 355 ALHAMBRA CIRCLE SUITE 1100, PO DRAWER 141098 CORAL GABLES, FL 33114-1098 UNITED STATES nlajevardi@lottfischer.com, ljlott@lottfischer.com, kclayman@lottfischer.com, sdonna@lottfischer.com
Submission	Answer to Counterclaim
Filer's Name	Leslie J. Lott
Filer's e-mail	ljlott@lottfischer.com, nlajevardi@lottfischer.com, sdonna@lottfischer.com, kclayman@lottfischer.com
Signature	/Leslie J. Lott/
Date	08/25/2014
Attachments	FINAL 08.25.14 - Answer & Affirmative Defenses to Counterclaims.pdf(163123 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Design Trademark Holdings, LLC, a
Delaware limited liability company,
Opposer,

v.

City of Doral, a Florida municipal
corporation,
Applicant.

Opposition No.: 91210850
Application Serial No.: **85/676,794**

Date of Publication: December 4, 2012

Mark: **D D D DORAL DESIGN
DISTRICT and Design**

**OPPOSER’S ANSWER AND AFFIRMATIVE DEFENSES TO APPLICANT’S
COUNTERCLAIMS**

Opposer, Design Trademark Holdings, LLC (“Opposer”), hereby submits its Answer to the Counterclaims alleged by the City of Doral (“Applicant”), as follows:

1. Answering the allegations set forth in Paragraph 15 of Applicant’s Answer to Opposer’s Notice of Opposition and Counterclaims, Opposer denies said allegations.
2. Answering the allegations set forth in Paragraph 16 of Applicant’s Answer to Opposer’s Notice of Opposition and Counterclaims, Opposer denies said allegations.
3. Answering the allegations set forth in Paragraph 17 of Applicant’s Answer to Opposer’s Notice of Opposition and Counterclaims, Opposer denies said allegations.
4. Answering the allegations set forth in Paragraph 18 of Applicant’s Answer to Opposer’s Notice of Opposition and Counterclaims, Opposer denies said allegations.

5. Answering the allegations set forth in Paragraph 19 of Applicant's Answer to Opposer's Notice of Opposition and Counterclaims, Opposer denies said allegations.

WHEREFORE, Opposer denies each and every allegation of Applicant's Answer to Opposer's Notice of Opposition and Counterclaims not already admitted or denied and further denies that Applicant is entitled to any relief whatsoever as prayed or otherwise on the basis of any of the purported claims for relief contained in the Applicant's Answer to Opposer's Notice of Opposition and Counterclaims.

AFFIRMATIVE DEFENSES

1. The counterclaims fail to state a claim upon which relief can be granted.
2. Applicant committed fraud on the United States Patent and Trademark Office by making misstatements in its application regarding use of the **D D D DORAL DESIGN DISTRICT and Design** trademark and by failing to disclose use of Opposer's confusingly similar trademark.
3. On information and belief, Applicant has abandoned any ownership rights it may have had with respect to the **D D D DORAL DESIGN DISTRICT and Design** trademark by not using the mark in commerce and having no present intent to commence or resume use.
4. Applicant is not the true owner of the **D D D DORAL DESIGN DISTRICT and Design** trademark because Opposer has priority of usage of its mark, and Applicant's mark is confusingly similar thereto.

Date: August 25, 2014

Respectfully submitted,

LOTT & FISCHER, PL

/Leslie J. Lott/

Leslie J. Lott, Esq.

E-mail: jlott@lottfischer.com

Neda Lajevardi, Esq.

E-mail: nlajevardi@lottfischer.com

355 Alhambra Circle, Suite 1100

Coral Gables, FL 33134

Telephone: (305) 448-7089

Attorneys for Opposer

Design Trademark Holdings, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **ANSWER AND AFFIRMATIVE DEFENSES TO APPLICANT'S COUNTERCLAIMS** was served upon Applicant by delivering true and correct copies of same to Applicant and counsel for Applicant via Federal Express on August 25, 2014 as follows:

City of Doral
8300 N.W. 53rd Street, Suite 100
Doral, Florida 33166

Gilberto Pastoriza, Esq.
Mitchell Bierman, Esq.
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134

/Leslie J. Lott/

Leslie J. Lott, Esq.